

THE HON. J. KELLEY ARNOLD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DAVID PETERSON,

Plaintiff,

vs.

WAL-MART STORES, INC., a foreign
corporation doing business in the state of
Washington, and TRICAM INDUSTRIES,
INC., a foreign corporation,

Defendants.

No. C08-5129JKA

STIPULATION AND ORDER AMENDING
CASE SCHEDULING ORDER

Procedural Background

On June 12, 2008, the parties filed their Joint Status Report and Discovery Plan.

For the discovery plan, the parties proposed the following:

December 16, 2008: Plaintiff's expert witness disclosure with reports

January 16, 2009: Defendants' expert witness disclosure with reports

Rebuttal experts 30 days after expert witness disclosures

December 16, 2008: Discovery cutoff (non-expert)

1 Based on the above schedule, the parties suggested March 16, 2009 as the date
2 when this case would be ready for trial.

3 This case is based upon the alleged improper assembly of a step ladder by Wal-
4 Mart employees or the product defect of the Tricam ladder. Both parties are having
5 engineers evaluate the ladder regarding the product defect allegation. Allowing both
6 experts to perform their analysis and come to their conclusions will take a number of
7 months. Further, a staggered disclosure will help avoid unnecessary testing expenses
8 and discovery conflicts regarding spoliation of the accident ladder. Because of this, the
9 parties requested staggered disclosures of expert reports in December and January.

10 On July 25, 2008, the court issued its scheduling order. As requested, the court
11 set trial for March 16, 2008. However, the order set a single expert disclosure date of
12 September 17, 2008, and a cutoff for all discovery of November 16, 2008. Based on the
13 needed evaluations of the accident ladder, the parties respectfully request that the court
14 enter an amended scheduling order consistent with the dates proposed in the Joint Status
15 Report and Discovery Plan.

16 Dated this 9th day of September, 2008.

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1 WILSON SMITH COCHRAN DICKERSON

2
3 By _____
4 Whitney L.C. Smith, WSBA# 21159
Attorneys for Defendants

5 SHERRARD MCGONAGLE

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7 By _____
8 William S. McGonagle, WSBA# 3831
Attorney for Plaintiff

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10 **ORDER**

11 Plaintiff and defendant having so stipulated:

12 IT IS SO ORDERED that the deadline for plaintiff's disclosure of expert testimony
13 under FRCP 26(a)(2) shall be December 16, 2008, and defendants' deadline for
14 disclosure of its expert testimony under FRCP 26(a)(2) shall be January 16, 2009.
15 Rebuttal experts, if any, shall be disclosed 30 days after expert disclosure. The non-
16 expert discovery cutoff shall be December 16, 2008. The last date to file dispositive
17 motions shall be January 31, 2009.

18 DATED this 10th day of September, 2008.

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21 **/s/ J. Kelley Arnold**
22 THE HONORABLE J. KELLEY ARNOLD

23 WILSON SMITH COCHRAN DICKERSON

1 By _____
2 Whitney L.C. Smith, WSBA# 21159
3 Attorneys for Defendants
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7 William S. McGonagle, WSBA# 3831
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SIGNED this 9th day of September, 2008, at Seattle, Washington.

Whitney L.C. Smith
Counsel for Defendant